

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KYLE L. ROBERTSON,

Petitioner,

CASE NO. 2:10-cv-0399

v.

WARDEN, ROSS CORRECTIONAL
INSTITUTION,

JUDGE GREGORY L. FROST
MAGISTRATE JUDGE KEMP

Respondent.

OPINION AND ORDER

On February 8, 2011, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant motion to vacate under 28 U.S.C. §2254 be dismissed. Doc. No. 16. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE